GOVERNMENT BUSINESS.—(*Resumed.*)

Before the Government Business was taken up, MR. N. G. SANJEEVIAH enquired what the President had done in regard to the adjournment motion proposed by him on the subject of motor buses. THE DEWAN said that it could not be allowed.

Elementary Education Bill.

THIRD MEMBER OF COUNCIL. Explained the general principles of the Bill as follows:—

VI. Statement of General Principles of an Elementary Education Bill.

It is proposed, on the recommendation of the Board of Education (*vide* Annexure), to introduce in the Legislative Council an Elementary Education Bill. The general principles of the Bill are summarised below:—

(1) The responsibility for the consolidation, development and expansion of primary education will be vested in local bodies.

(2) The local authorities will be (i) in City Municipalities, the Municipal Council, and (ii) in other areas, the District Board, but (iii) in district headquarters and other towns (with a population of 5,000), the Municipal Councils may be declared to be the local authorities for their areas.

(3) The administration of primary schools under each local authority will be vested in a School Board which will have a (bare) majority of members representing the local authority, the other members being nominated by Government. The budget of the School Board shall be sanctioned by the local authority.

(4) The Government Education Department will have ultimate control over educational policy and administration and will exercise the functions of recognition of schools, inspection, laying down courses of study, syllabuses, qualification of teachers, requirements of school buildings, etc. The local authority will, however, be empowered to effect modifications in respect of these, subject to previous sanction of the Department.

(5) Selected Village Panchayats may be invested with powers of local control of primary schools in their areas.

(6) Each local authority shall have a primary education fund to which will be credited the Government grant fixed on the basis of Government expenditure before the scheme comes into force, the education cess levied in the local area now devoted to primary education, and the proportion of the local cess on land revenue, etc., now credited towards education, other Government grants, fees, income from endowments, etc.

(7) The local authority should within a period of one year prepare a programme of expansion of primary education (without compulsion but on a voluntary basis) so as to provide within a period of ten years a sufficient number of school places (and teachers) for the entire State, (with at least one school for every Village Panchayat), indicating how the cost is to be met.

(8) For all programmes of expansion, the additional cost will be apportioned between the Government and local bodies in the proportion (on the average) of 3 to 2.

(9) Within a period of ten years the local authority will submit a programme of universal compulsory education, similarly indicating how the cost is to be met.

Statement of Objects and Reasons.

The need for the wider diffusion of primary education both as a means of securing social and economic efficiency and of enriching, elevating and sweetening the lives of individuals has long been recognised, and the Government have declared it to be their policy to provide for the steady development, expansion, consolidation and improvement of primary education in the State. Although serious efforts have been made and considerable advance achieved in this direction as compared to that in certain British Indian Provinces, yet the ground that remains to be traversed towards the goal of universal primary education is much greater in extent than what has been done in the past.

The present position in regard to primary education could be accounted for by the following main reasons :—

(1) The responsibility for the initiation, financing and execution of schemes for the expansion of primary education has rested mainly with Government.

(2) There has been no definitely declared objective

and no obligatory provision for the initiation and execution of programmes of expansion to reach the goal.

Educational experience elsewhere has made it abundantly clear that much advance cannot be made unless the local bodies are invested with the responsibility of providing, managing and controlling primary education.

The District Board, Village Panchayat and Municipal Regulations impose upon these bodies certain obligatory and discretionary duties and powers in respect of education but they are neither comprehensive nor definite. For want of definition of the extent and nature of their responsibilities and powers—financial or otherwise—the whole situation is uncertain and might lead to overlapping and conflict of jurisdiction. It is necessary also to define the powers and responsibilities of the local bodies and the Government in the matter of the management, control and financing of primary education. A comprehensive educational legislation to define the respective duties and powers of the Government and local bodies and the relations of local bodies to one another is, therefore, urgently needed.

Secondly, the expansion of primary education has been based on no definite plan. All Municipalities and some villages have been given Government schools while many villages have aided schools which are generally inefficient, while still others have Panchayat schools the cost of which is to be met with grants from District Boards. There is inequality also both in the extent and the quality of the educational provision and many large villages have no educational facilities whatever. Future expansion should be, therefore, guided by a definite policy and clear objective and based upon definite progressive expansion. The object of the proposed legislation is to provide for a rapid and orderly expansion of primary education on a voluntary basis through the immediate agency of local bodies with a view ultimately to reach the goal of universal compulsory primary education.

The main features of the proposed legislation are (1) the vesting of responsibility for the consolidation, development and expansion of primary education in local bodies which will be constituted as local education authorities, subject to the general control of the Government Education Department, (2) the fixing of a maximum time limit of ten years within which adequate facilities for Elementary Education should be provided for all children all over the State who are likely to seek instruction, voluntarily, in public

school, with at least one school for each Village Panchayat area; and fixing a maximum limit of ten years for preparing and submitting to Government a scheme for universal compulsory education, (3) the fixing of the respective financial responsibilities of Government and the local bodies in respect of schemes of expansion of primary education in the ratio (on the average) of 3 to 2, (4) the formation of an Elementry Education Fund for each local education authority to which the State expenditure on primary education, as well as education cess revenue, now utilised for primary education, the proportion of local cess now utilised for primary education, fees, income from endowments grants, etc., will be credited.

As regards the financial implications of the proposed legislation, the sanction of the schemes submitted by the local bodies will naturally depend upon the availability of funds, but it is the intention of Government, to the extent that their finances permit, to provide the additional expenditure falling on State revenues for a scheme of adequate expansion of primary education on a voluntary basis as indicated above within a maximum period of ten years, by progressive additions to the budget allotment for primary education, if local bodies will similarly provide their share of the cost.

As regards universal primary education, this is the ultimate goal kept in view and local bodies are required to submit schemes for universal compulsion within ten years, but no useful purpose will be served by discussing the financial implications so far ahead.

ANNEXURE.

The Scheme of an Elementary Education Regulation as recommended by the Board of Education.

1. The responsibility for the consolidation, development and expansion of primary education, according to the procedure to be laid down in the Education Act, should be invested in local authorities, the goal being universal compulsory education, with a minimum lapse to illiteracy, to be reached by a definite programme of progressive expansion.

2. The local authority in the case of a City Municipality shall be the City Municipal Council ; in other areas,

it shall be the District Board provided that Municipalities in towns with a population of over 5,000 may be declared local authorities.

3. For every local authority there shall be a School Board which shall be the local education authority. Where the District Board is the local authority, the School Board shall consist of not less than 14 and not more than 18 members. A bare majority of the total number of members shall be elected by the District Board from among its own members. The District Educational Officer and the District Medical Officer shall be members *ex-officio* and the other members—official and non-official—shall be nominated by Government so as to secure in the composition of the Board the representation of such interests as women's education. education of Mohamedans, education of the Depressed Classes, Village Panchayats and Minor Municipalities. The Chairman shall be nominated by Government and he shall be a non-official.

If the local authority is a Municipality, the School Board shall consist of not less than 12 and not more than 18 members of whom a bare majority shall be elected by the Municipal Council. The District Educational Officer and the Health Officer or the local Medical Officer, as the case may be, shall be members *ex-officio* and the other members —official and non-official—shall be nominated by Government so as to secure in the composition of the board the representation of such interests as women's education, education of Mohamedans, education of the Depressed Classes, and of the labouring population. In the case of the City Municipality, the School Board shall elect its own chairman; in the case of other Municipalities, a non-official shall be nominated as chairman by Government.

4. The term of the School Board shall be co-extensive with that of the local authority.

5. The local authority shall, subject to the provision hereinafter to be laid down, be invested with the responsibility for the establishment, management and control of educational institutions of the primary grade within the local limits of its jurisdiction and shall enforce the provisions of this Act in relation to such programmes of expansion as may be sanctioned.

6. The School Board shall exercise the powers and perform the duties of the local authority for which it is constituted in respect of primary education. The School Board of a district shall exercise the like powers and

perform the like duties in respect of the municipalities situated within the district which are not authorities for the purposes of this Act. The School Board shall also enforce the provisions of this Act.

7. All Government primary schools shall be transferred to the local authority from the date it undertakes responsibility for the establishment and the maintenance of primary schools under the Act.

8. The School Board shall be responsible for (*a*) conducting educational surveys and preparing educational charts, (*b*) re-distributing schools by weeding out inefficient and unnecessary schools and opening new schools, (*c*) drawing up plans and programmes of effective educational expansion, consolidating the existing position, strengthening the existing schools in respect of staff and equipment, opening schools in villages without schools, making effective provision for education by graduated steps, in the first place in all villages with a population of over 500, next in all other villages with a population of between 200 and 500 and, finally, universal compulsory education.

9. The School Board shall submit its annual budget for the sanction of the local authority.

10. The School Board may appoint any sub-committee and, under bye-laws to be made by the School Board, delegate any of its powers and duties to such sub-committees.

11. There shall be an officer called the School Board Officer, appointed by the local authority on the recommendation of the School Board and with the appoval of the Government. He shall be the chief executive efficer of the School Board; and his pay, powers and duties shall be determined by rules made in this behalf by the local authority and sanctioned by Government. He shall be subordinate to the School Board.

12. The School Board Officer shall carry out the orders of the School Board regarding the apportionment of the grants to board schools out of the local education fund to which the subsidy paid by the Government would be credited, and discharge executive duties in connection with board schools under the School Board administration.

13. The Department of Education, through its local representative, *viz.*, the District Educational Officer, will exercise the following functions:—(*a*) to recognise all schools applying for recognition, whether board schools or other schools, aided or unaided, (*b*) to inspect all schools—board, aided, unaided—copies of inspection reports in the

case of board schools will be sent by the District Educational Officer to the School Board, (*c*) to administer grants-in-aid to aided schools, and (*d*) to do other administrative work required for the control and supervision of schools other than board schools.

14. The management of non-board schools, dissatisfied with the decision of the Department in the matter of recognition of schools and distribution of grants-in-aid, may appeal to Government.

15. The School Board shall conform to the Regulations and Rules issued by Government, prescribing the minimum requirements in the matter of syllabuses, textbooks, standards of teaching and equipment, examinations, qualification of teachers, physical culture and medical inspection and matters relating to school buildings; but any of these may be altered by the School Board with the sanction of Government to suit local requirements.

16. The formation and co-ordination of educational policy affecting all the districts shall rest with the Government in consultation with the Board of Education. The Government will also review the work of the local authority.

17. The Board of Education shall remain a purely advisory body as now and not have any administrative functions.

18. The local authority shall, within a period of one year after this Act comes into force, prepare a programme of educational expansion so as to provide within a period of ten years a sufficient number of school places for the entire State, with at least one school for every Village Panchayat.

19. The local authority may, by a resolution, declare its intention to provide compulsory education within the whole or a specified part of the area under its jurisdiction, (*a*) for all children of the school-going age, (*b*) for boys of the school age, (*c*) for girls of school age. Such resolution shall be adopted at a meeting convened for the purpose at which not less than half the number of members are present. The local authority shall submit its programme to Government for sanction with an estimate of cost.

A local authority shall submit, within a period of five years, a programme of compulsory education, limited by sex or area, and within ten years a programme of universal compulsion. If it fails to submit either of these programmes within a specified period, it shall be called upon to submit

such programmes within a reasonable time. If the local authority omits to prepare a programme as prescribed above, Government may take steps to have a programme prepared for the area administered by the local authority and receive the cost thereof from the authority, provided that Government may, if sufficient cause be shown, extend the time by such additional period as may seem reasonable.

20. The local authority shall submit to Government along with any programme under Paras 18 and 19 a statement of the ways and means by which the programme is proposed to be financed, including any additional cess that may be necessary to meet the additional expenditure involved.

21. The Government may sanction such programmes with or without any modification so as not to increase the financial liabilities of the local authority.

22. If the scheme is sanctioned, the Government shall make a grant which shall not be less than 50 per cent of the approved additional expenditure to be incurred under the scheme. It shall be open to Government to classify local bodies according to their needs and sanction a higher rate of grant to poor and backward areas, providing that the total State grant towards the additional recurring and non-recurring cost of the schemes for the State as a whole shall not exceed three-fifths of the total additional cost. The Government grant shall be credited to the Elementary Education Fund.

(*N.B.*—Non-official opinion was unanimously in favour of three-fifths.)

23. If, within a reasonable time, after the programme is sanctioned by the Government, a local authority omits to carry out the programme or having carried it out, omits to keep it in reasonable operation, the Government shall bring it into operation, or keep it in operation, as the case may be, and its stipulated share of the expenses thereof shall be paid by the local authority to the Government.

24. The local authority may be authorised to raise additional education cess to meet the cost of the schemes.

25. The local authority may be authorised also to collect subscriptions, donations, etc., for educational purposes and to accept endowment.

26. There shall be constituted for every local authority an Elementary Education Fund to which shall be credited:—

(*a*) The amount equal to the recurring expenditure

incurred from State funds during the financial year before the coming into force of this Act, in respect of elementary schools, transferred to the control of the local authority.

(*b*) The amount of cess realisations from educational cess or tax and the contribution from the local cess.

(*c*) Additional Government grants which shall be not less than any excess of cess realisations in any year over the cess collected during the year before the coming into force of this Act, including the Government contribution referred to in Para 22.

(*d*) All income derived from any endowments, subscriptions and donations or other property owned or managed by the local authority for the benefit of Elementary Education.

(*e*) All fines and penalties levied within the jurisdiction of the local authority under the provisions of this Act.

(*f*) All fees, if any, collected in Elementary Schools managed by such authority.

(*g*) All other sums that may be contributed by the local authority from the local funds for the purpose of this Act.

(*h*) Additional Government grants which shall not be less than the contributions of the local authority under (*g*).

27. The accounts of each local education fund shall be examined and audited by an officer appointed by Government in this behalf and the local authority shall carry out any instructions the Government may issue on the audit report.

28. The local authority may, in addition to the obligatory duties as defined hereinabove, also at their option, provide, in consultation with the Education Department, for practical and vocational instruction, continuation education, adult education, visual instruction, educational experiments, educational conferences and exhibitions.

29. Select Village Panchayats may be invested with the following powers of school committees:—

(*a*) To disburse the salaries of teachers.

(*b*) To grant leave to teachers for any period not exceeding 15 days, subject to the approval of Assistant Inspectors.

(*c*) To appoint substitutes in these vacancies.

(*d*) To maintain and repair school buildings and equipment and to visit the schools and report to the Assistant Inspectors on their condition.

(*e*) To be responsible for the enforcement of the Compulsory Education Regulation in rural areas where it is in operation and to exercise the functions of Attendance Committees.

30. Municipalities which are not local authorities for purposes of this Act may be invested with the powers and duties of school committees as in the case of Village Panchayats.

31. The provisions of the Village Panchayat and District Board Regulations about education should be repealed to the extent to which they are inconsistent with the provisions of this Act.

32. Government may make rules in conformity with the provisions of the Education Regulation.

MR. D. S. MALLAPPA asked whether the establishment of more schools was a condition precedent to introducing compulsion in the matter of education.

THE THIRD MEMBER OF COUNCIL replied in the affirmative.

MR. BAGAMANE DEVEGOWDA did not see any advantage in opening more schools in the Malnad where people were not very anxious to send their boys to school. What was wanted there was compulsion and not provision of more schools.

THE THIRD MEMBER OF COUNCIL said that the District Board to whom it was proposed to entrust the management of primary education would consider that point.

MR. M. S. LINGE GOWDA welcomed the Bill and observed that it was the most popular of all the Bills discussed in the Assembly ever since the Assembly was brought into being. The Bill sought to recognize and provide what was the foremost inherent right of every subject of the State. This Bill, he said, was expected one year back, but he was glad that it had come this year. "Sir Seshadri Iyer," he said "gave us electricity; Sir M. Visvesvaraya gave us Kannambadi; similarly in your time, you have given us greater allotment for the maintenance of tanks and taking electricity into the interior parts; and at the top of all this, the present Bill which is the most popular Bill has come up and it will be welcomed by the raiyat population." The present session, he said, was the happiest ever held, and in having had the privilege of passing such a beneficent measure, the present members of the Assembly had a legitimate claim to be returned again to be instrumental in

getting many similar popular measures placed on the Statute Book.

As regards the payment of a higher education cess, he felt sure that the raiyats would gladly pay it. He, however, considered that 10 years was rather too long a period within which all parts of the State should be provided with primary schools and therefore suggested that the entire scheme should be brought into force within 5 years instead. For his own part he thought that by spreading the scheme over a long period, the enthusiasm of the people would considerably wane. On the other hand, he thought that by bringing the scheme into force immediately Government would be solving the unemployment problem, because something like 10,000 or 15,000 teachers would be required for all the schools. Secondly, when these teachers, who would perforce be posted to the villages, came into contact with the raiyats, the raiyats would improve in many ways. Again, it could not be said that simply because the District Boards and the Municipalities were asked to finance the schools, Government would have no interest in the success of the scheme. Government reserved to their own officers the important work of supervision over these schools, and so there was every certainty of the scheme succeeding. Lastly, pernicious ideas were being diseminated in the villages by some of the newspapers; and at such a time if the raiyats were properly educated, there was little risk of their being moved by such vicious influences. He added that the House could not be sufficiently grateful to His Highness the Maharaja and his Government for having introduced the Bill, and the special thanks of the members were due to the Third Member of Council who must have taken an active part in framing the measure.

MR. S. N. M. RAZVI stated that there was not even one sinner in the State who would oppose this beneficent measure which was one step in the direction of realizing the goal of Responsible Government within the State in course of time. Government had left the question of taxation entirely to Local Boards. He did not think that this was right. It was quite necessary, in his opinion, to fix the minimum taxation.

As regards the time within which the scheme should be brought into force, he would go a little further than the previous speaker and like to have it done within 3 years.

With these two reservations he whole-heartedly agreed to the general principles of the Bill.

MR. BELUR SRINIVASAIENGAR suggested that the allocation of the additional cost in the Bangalore City between Government and Municipality should be 2 to 1 as no cess was collected there.

THE THIRD MEMBER OF COUNCIL stated that the present proportion of 1 to 1 should be maintained for expenditure in excess of Rs. 1 lakh.

MR. SRINIVASAIENGAR then proposed that the proportion need not be embodied in the Bill at all.

THE THIRD MEMBER OF COUNCIL replied that this was an all-important factor and had to be embodied in the Bill.

MR. N. G. SANJEEVIAH proposed the ratio as 1 to 2 in place of 2 to 1.

MR. BELUR SRINIVASAIENGAR pleaded for some special consideration in the case of Bangalore City. He argued that the State was deriving a considerable part of its Excise revenue within the limits of that city, amounting to Rs. 17 lakhs. The several Mills situated within those limits were yielding about Rs. 3½ lakhs in the shape of income-tax. The Municipality had also to incur very heavy sums of money in providing special facilities to the cooly classes employed in the various industrial concerns in the city. For normal expenditure Government was not giving anything to the Municipality. The Municipality did not levy any special taxes on the Government buildings. He, therefore, suggested that the city should be shown a special concession and only one-third of the cost of compulsory primary education in the city should be made payable by the Municipality. He further argued that this request would not involve the State in any undue expenditure. The State had recently received a remission of Rs. 10½ lakhs out of the Subsidy and it was also anticipated that a share of the customs revenue of the Imperial Government as well as a suitable set-off for petrol duty would be had. Any further taxation in the city should be out of the question. Subject to these remarks, he supported the Bill.

THE THIRD MEMBER OF COUNCIL reminded the speaker that the Bangalore City Municipal Council had agreed to bear the excess of expenditure over Rs. 1 lakh in the proportion of 1 to 1, and that the present level of expenditure was at Rs. 1 lakh.

MR. BELUR SRINIVASIENGAR requested that irrespective of any such agreement, the Government must be satisfied with the existing proportion.

THE THIRD MEMBER OF COUNCIL informed him that the existing proportion was 1 to 1.

MR. BELUR SRINIVASAIENGAR thereupon stated that when the Municipality agreed to contribute in that proportion it had not worked out the Thippagondanahalli project, and subsequent to that, the Municipality had to face many additional commitments for which they had already enhanced the house-taxes in the city. The difficulties of the Municipality at the present moment had to be considered before any heavy contribution was expected by the Government.

MR. B. S. PUTTASWAMY thanked the Government for having brought forward the Bill. The grievance all-round was that till now only Land Revenue was subjected to various cesses and the official classes and others living in cities practically escaped all taxation. Government officers were contributing nothing while the greater part of the benefits of all grades of education went to their own children. He did not therefore understand the logic of the opposition that was coming from some of the people residing in the cities. Urban areas, he said, should therefore be taxed. Raiyats were paying enough. They were contributing something like Rs. 9 lakhs for primary education in the shape of cesses and the poorest of raiyats paid a cess of one anna on every rupee of land assessment he paid without at the same time having the benefit of education for his children. He said that some paid income-tax while others who got sufficient income escaped all taxation. For example officials getting less than Rs. 200 were not paying income-tax and they were not paying the education cess either; but at the same time, they were deriving every possible advantage in the matter of educational facilities. He contended that no further taxation on land should be thought of, and it was necessary that everything should be done to realize all the additional expenditure from those who paid nothing.

MR. B. SRINIVASAIENGAR of Anekal said that the Bill was very necessary. He was glad that the City Municipalities would hereafter be made to contribute towards the excess expenditure on account of primary education, in the proportion of 1 to 1. But the proportion in respect of the existing expenditure was not clearly stated in the Bill. For the extension of the schools, the proportion of the expenditure that had been proposed between Government and the local bodies was 3:2. He thought that the same proportion should be fixed in regard to the existing expenditure also.

THE THIRD MEMBER OF COUNCIL replied that the local bodies would not stand to gain by that proportion.

MR. B. SRINIVASIENGAR thereupon supported the Bill without any reservation.

MR. M. VENKATAKRISHNAYYA, in supporting the Bill, said that the period of 10 years fixed therein was too long and that it must be brought into force within a year. He was in favour of retaining the proportion about division of expenditure as noted in the Bill, but was keen about the arrangements being worked without delay. He considered that the sum of Rs. 9 lakhs promised for the scheme by Government was not much in view of the fact that for the past so many years, many promises had been made by Government that the cost of primary education would be entirely borne by Government. He was of opinion that unless education was made compulsory, the effect of the scheme under consideration would not be very great. He agreed that the Government and the local bodies should co-operate in this matter. As regards finding the balance of Rs. 6 lakhs, he said that the matter might be considered by the Public Accounts Committee. If suitable retrenchments were effected in the growing expenditure of Government, he thought it would be better, the question of levying more taxes being considered only if the savings from the retrenchments effected were not appreciable.

The speaker agreed with Mr. Puttaswamy that there were many who were deriving the benefits of education without making any contribution. School fees were not imposed in the primary and middle schools and no effort was made to collect fees from those who could well afford to pay.

MR. C. NARASIMHAIYA asked what would be the annual recurring expenditure on primary education at the end of 10 years under the proposed scheme.

THE THIRD MEMBER OF COUNCIL replied that it was now about Rs. 20 lakhs and about Rs. 15 lakhs more would be necessary then. If this was found, it would be possible to give every Panchayat a school, according to the calculations made by the Director.

MR. N. G. SANJEEVIAH expressed his gratefulness to Government for bringing up the Bill and hoped that the proposed primary education fund would not be diverted to the middle or high school education as was done with the education cess collections.

THE THIRD MEMBER OF COUNCIL replied that the

fund could be utilised only for purposes of Elementary Education.

MR. SANJEEVIAH continuing said that the period of 10 years fixed in the Bill for preparing a programme of universal compulsory education was too long and the scheme should be brought into force at once. He regretted that the Bill contemplated the imposition of new taxes on those already taxed, and pleaded that the raiyat should no more be burdened with fresh or increased taxation. He represented that the parties who were more largely benefited by the present and proposed educational facilities, without themselves bearing any burden of taxes, were the lawyers and Government servants, and that the additional funds required for the scheme should be recovered by the imposition of an education tax on those classes. He added that since nearly a crore of rupees was being spent annually by way of salaries, the extra provision of Rs. 6 lakhs required for the scheme could be recovered from the officials. He anticipated that by levying an education tax of one anna in the rupee on the income of the above people, about Rs. 6 lakhs could be obtained from Government servants and another equivalent amount from the lawyers.

KHAN BAHADUR MOHAMED ABBAS KHAN considered that the Bill was a great blessing and requested every one—raiyats, Government servants and lawyers—to contribute their share of the cost to make up the amount of Rs. 15 lakhs estimated by Government. He pointed out that Government were already spending a large sum on education and that every one should co-operate with them in the establishment of the large number of primary schools at the rate of at least one school for every Village Panchayat. He explained that under the Bill the local bodies were required to contribute 40 per cent. of the total cost, the remaining 60 per cent. being borne by Government, that the question of cost was discussed threadbare in several meetings of the Board of Education and that even the non-official members had agreed to the proportion fixed in the Bill. He, therefore, hoped that the District Boards and Municipalities would be prepared to share their burden.

With reference to the suggestion that the period of 10 years fixed for the programme of expansion should be considerably reduced, he said that it would be impossible to reduce it and it would be a good fortune to the State if the scheme could be fully developed within that period. So far as the position of the Bangalre City Municipal Council was

concerned, he said that they had agreed to meet half the cost of primary education in case the cost should exceed Rs. 1 lakh.

He pointed out that the term "Elementary Education" had not been defined in the Bill and pleaded that the management of the middle schools should also be entrusted to the local bodies. He also suggested thal each District Board would have to appoint a trained educational officer for the district for the control of education in the district. He was of the opinion that there was no harm in utilising the cess fund for Lower Secondary Education also.

Alongside of the increase of primary schools he said that the Inspectorate should be strengthened proportionately, that there should be 3 or 4 Assistant Inspectors for each taluk and that the extra cost on this account should be borne by Government and not charged to local bodies. Finally, he appealed to the House to accept the principles of the Bill and help the beneficial scheme to fructify.

MR. H. C. DASAPPA in heartily supporting the Bill said that it was an epoch-making day in the history of the Representative Assemply, because such a beneficial measure as the Elementary Education Bill was brought before it for consideration. He said that the representatives of the people had been fighting, in both the Houses of legislature, for the initiation of such a scheme and that they should be indebted to both His Highness the Maharaja and His Government for the response given. In this connection, he alluded to the statement made by Lord Gladstone in introducing a scheme of free and compulsory education in England, *viz.*, that it was impossible for the people to get a greater share in the administration of the country if the voters were allowed to continue to be illiterate. He said that the statesmanship which had evolved this measure was of a high order and that the Dewan might fittingly be termed 'The Gladstone of Mysore.' He also complimented the Member of Council for having brought in this Bill which aimed at dispelling the ignorance of the masses. He complained that although an education cess was levied from the raiyats for the development of primary education, yet the cess amount was utilised mainly in the urban areas denying the benefit to the villages.

As there was a general feeling that 10 years was too long a period to wait for the introduction of universal compulsory education, he suggested that the programme might be completed within five years, so that the succeeding

five years might be utilised for introducing compulsory education. He said that before putting the scheme into practice Government should see that the cost was equally distributed among all classes of the people and that the contribution of the local bodies was collected first before starting the work, as otherwise he was afraid it would end in failure. He also suggested that an education cess might be levied on income-tax to meet the additional cost on primary education.

MR. VEMA REDDY pointed out that literacy in the State was very backward and that in spite of the fact that the revenues of the State were largely contributed by the cultivator, he was left behind in matters of education, the money paid by him for a long time being used for the benefit of the people in urban areas. He explained that it took such a long time for the raiyat to open his eyes and find out that he was neglected altogether and when he demanded a school in his village, he was asked to pay something over and above what he was paying all along. He remarked that such an attitude on the part of Government was unjust, and suggested that the people in the urban areas who had been enjoying all facilities without paying for them must be insisted upon to pay their quota first and if subsequently, the income so derived fell short of the proposed additional cost, Government might think of imposing a new cess on the raiyats.

MR. S. VENKATESAIYA in supporting the Bill said that if the Assembly would agree to the general principles, the detailed provisions of it could be considered threadbare in the Legislative Council. He said that if the proportion of the expenditure, *viz.*, three-fifths by Government and two-fifths by local bodies, was agreed to, it would be quite possible to provide every locality with a school.

So far as the other details were concerned, he suggested that co-education of boys and girls should be emphasised in the scheme.

THE THIRD MEMBER OF COUNCIL replied that it would be noted.

MR. S. VENKATESAIYA also suggested that it would be better if the course of Elementary Education was defined to cover a period of 4 years with an extension course of one year in addition, and embodied in the Regulation, so that there might be a minimum lapse into illiteracy and better scope given to vocational training subsequently, as proposed by the Education Board. He also said that the

elementary education fund should not be diverted to lower secondary education.

As regards the restrictive clause to provide each Village Panchayat with a school, he pointed out that there might be some objection to it, and that to acquire consolidation and efficiency, it would become necessary to extend the benefits of the scheme to every household in each village, and that units not connected with the scheme should not be imported into the Bill.

He said that the word 'bare' in Para. 3 of the statement relating to the administration of primary schools should be deleted as such a restraint about majority was not desirable.

As regards finance, he pointed out that the proportion of two-fifth was not applied to all places alike and that it was allowed to vary from one-third to two-third. As it was desirable to remove all inequalities, he proposed the fixing of a minimum of half the cost.

He also suggested that alongside of the qualifications of teachers, their minimum salary should also be fixed and that the same rule should be made applicable to grant-in-aid schools as well.

He said that compulsion might be enforced as schools were opened in places, without waiting for the expiry of the period of 10 years fixed in the Bill, and added that side by side with the scheme, Government must also provide for the opening of middle schools.

He was of opinion that the present levy of education cess at the rate of half anna in the rupee by the District Boards should be raised to one anna. He expressed a doubt whether the Government could levy an education cess on income-tax (as suggested by a few members) under the law as it stood at present since education cess was leviable only on the items on which local cess was levied.

He requested such of the members as were against the levy of the cess to oppose the Bill altogether and vote against it. There was no use, he pointed out, of approving the general principles of the Bill and then when it comes to the question of meeting the cost saying that they were not prepared to pay any cess, and added that to approve of the principles but to refuse to pay the cost was an inconsistent attitude.

MR. Y. RAMASWAMI considered the Bill as one of the best measures ever brought up before the Assembly. He suggested that its provisions should be made binding on the

local bodies and that the question whether or not to open school in a particular village should not be left to their option. He pointed out that a premier Municipality like that of Mysore City was, in spite of the pressure from Government, unable to take over the management of primary schools as they could not find the expenditure of Rs. 30,000 being one-third of the total cost of primary education. Such being the case, he thought it would be too much to expect the minor local bodies to undertake the responsibility for the development of primary education and said that the initiative must be taken by Government themselves by giving their contribution in advance and calling upon the local bodies to meet the balance of cost.

He was of opinion that there was no justification for Government to raise a new tax for working out the scheme since there was every prospect of additional resources becoming available from the development of forest, irrigation, excise and electrical departments, as also the industrial expansion resulting from the appointment of a Trade Commissioner in England. He added that if the additional income received from all those sources was found to be insufficient to meet the cost of the proposed scheme, then alone Government should think of imposing a new tax on the people.

He added that he was not in favour of the programme of expansion on a voluntary basis but would enforce compulsion within a year in places where the provisions of the Bill were fully worked out.

MR. B. KESAVAIYA supporting the scheme said that the programme could not be worked out within 5 years and that the 10 years' limit prescribed in the Bill was necessary. He was, however, for introducing compulsion within three years after the establishment of a school in each village. As regards the division of cost between Government and the local bodies, he considered the proportion of 3:2 as too heavy under the present financial condition of the local bodies and advocated the retention of the present ratio of 3:1. As the raiyat was already paying several taxes, he was against increasing his burden and prayed for introducing the scheme as early as possible without enhancing the rate of education cess already in force.

MR. B. GOPALACHAR said that the provision of elementary education was an obligatory duty of Government, but that the Bill aimed at transferring the responsibility to local bodies, which meant mostly the Districts Boards. He

pointed out that Government had levied the education cess on the promise of increasing the number of primary schools in the rural areas but that was not fulfilled. He added that the District Boards were already paying the education cess, railway cess and irrigation cess which last was a double levy without enjoying the benefits of those cesses and therefore prayed that the demand for education should be met without resorting to additional taxation.

MR. K. CHANNABASAPPA complimented the framers of the Bill on attempting to equip every Village Panchayat with a school. He hoped that the cities and urban areas would help the advent of primary education in the rural areas by taxing themselves. He added that the question of taxing the cultivator should arise only if the money collected from the urban areas was found indequate to meet the cost of the scheme.

MR. K. SRIKANTIAH pointed out that while the principles of the Bill were welcomed by many members, when it came to the question of cost, they objected to increasing the local cess. He said that there was much force in that point of view since the local bodies made it a point to increase the house tax once in four or five years while the land assessment could be changed only once in 30 years. He added that any attempt on the part of the municipalities to impose an education cess would not find favour.

As one of the sources for finding a part of the expenditure on the scheme, he suggested that if the members of the Assembly were prepared to forego the daily allowance of Rs. 5 each paid to them, as well as some of the comforts provided by Government during their stay in Mysore, a sum of Rs. 1 lakh could be saved which might go towards the cost of primary education. He appealed to the members to accept his suggestion even at some self-sacrifice in the service of the State.

MR. B. P. BASAPPA SETTY said that the majority of members in the Assembly were not prepared to subscribe to the views of the previous speaker as the conveniences provided to the non-official members in Mysore were nothing when compared to those provided by the Imperial Government to the members of the Legislative Assembly.

MR. K. VENKATASAWMI GOWDA endorsed the suggestion of Mr. K. Srikantaiya.

MR. S. C. MALLAIYA pointed out that no one in the Assembly was opposed to the general principles of the measure and that difference of opinion existed only in the

matter of sharing the cost. He did not agree with Mr. Srikantiah's suggestion to deprive the Representative Assembly Members of the comforts provided for them during their stay away from home in the service of the State, especially as the amount saved thereby, *viz.*, Rs. 1 lakh, would not go far enough to relieve the burden of Government. There were only 4,000 primary schools in the whole State with its 16,000 villages and Government had to find a lot of money to open schools even at the rate of one school for every Village Panchayat. Mr. Malliah pointed out that the people in the urban areas were getting all facilities by way of education, sanitation and medical aid without payment. He wanted to know why all facilities should be provided only for the people of the urban areas. He emphasised that under the existing conditions, an examination of the total expenditure on education and what proportion of it went to the benefit of the villagers would reveal the fact that the villager was not benefited in proportion to his tax-paying capacity. He said that the raiyats in the rural areas had been paying taxes from ages past without receiving an adequate return and accused Government of not discharging their primary duty by them.

With reference to the suggestion that compulsion should be introduced within the next three years, he said that attention should, in the first instance, be concentrated on providing each place with a school and that the question of compulsion might be taken up later. He commended the spirit of the authors of the Bill in requiring the local bodies in the first instance to develop education on a voluntary basis.

He said that the period of 10 years over which the scheme was spread out was too long. Because, out of the existing 9,000 Village Panchayats, only half that number had primary schools; and even if Government opened new schools at 500 a year, the last group of 500 villages would be required to pay education cess for full 9 years without deriving any return during the period, which he said was very hard.

THE THIRD MEMBER OF COUNCIL replied that it may not be possible to provide all the Village Panchayats with schools earlier.

Continuing, MR. S. C. MALLIAH said that if the goal of primary education could be reached within 5 years, it would satisfy the people. He added that the villagers had come to realise that Government had neglected them and

that when Government were levying a cess from them for the purpose of education, they could not deny them the schools.

THE SECOND MEMBER OF COUNCIL observed that Government could not provide funds for all the Village Panchayats together and hinted that the members would do well to suggest that the additional levy should take effect only after the schools were actually opened.

In regard to the financial implications of the scheme, MR. MALLIAH regretted that the question of taxing the Government officials with an education cess had not been taken up in spite of the promise made at the previous session and that Government should first tap that avenue before rushing to the raiyat with enhanced levies.

As regards Mr. Venkatesaiya's suggestion for increasing the number of middle schools, he said that its consideration might be put off for the present.

MR. D. S. MALLAPPA in thanking the Government for bringing up this very useful measure, appealed to the members to accept the principles of the Bill. He said that a certain amount of sacrifice on the part of local bodies was worth making with a view to spread education among the masses. It was impossible, he said, for Government to put through the scheme unless the local bodies agreed to contribute two-fifths of the additional expenditure involved in it. As the contribution expected from local bodies was only Rs. 6 lakhs, he said, it might be found, without resorting to additional taxation of the raiyat by insisting on every municipality to contribute its quota towards the cost of primary education. He expressed surprise at the statement of the Vice-President of the Mysore City Municipality (Mr. Y. Ramaswami) that for want of funds, the premier municipality in the capital was unable to take over the management of elementary education.

Referring to the pleading of certain members on behalf of the City Municipalities, he observed that the taxes paid by city people, however large, had not reached the State exchequer, but that on the contrary they were being profited all these years by way of higher education, sanitation and medical aid all of which were provided to them by the State out of the contributions of the raiyats. He felt that it was but just that those in the urban areas should repay their obligations to the raiyats by financing the new scheme for the spread of education in the rural areas.

MR. MALLAPPA also supported the view that the period

within which to reach the stage of compulsion in primary education should be reduced from 10 to 5 years.

With a view to preventing the rural people from lapsing into illiteracy, he suggested that the course of elementary education should be spread over a period of 7 years as in England.

He also urged that Government should devise ways and means by which a tax could be imposed on Government officials who had long escaped the education cess.

MR. P. SUBRAMA CHETTY said that there was no difference of opinion among the members about the general principles of the Bill, except on the division of expenditure. He pointed out that it was a mistaken notion to think that the municipal residents were not contributing towards the cost of primary education. So far as the Bangalore City Municipality was concerned, one-third of the total cost, *viz.*, Rs. 90,000 was paid by them. Besides, the Municipality had agreed to contribute one-half of the cost in case it should exceed Rs. 1 lakh. The Bangaloreans were paying taxes in several forms—by way of house-tax, water-tax, lighting charges, octroi duty, vehicle license, excise, etc., and the Municipality was deriving about Rs. 16 lakhs or Rs. 17 lakhs from excise duty alone and one-fourth of the total revenue from income-tax in the State was derived from that city. Thus, he pointed out that it was wrong to say that the raiyats alone were paying towards the cost of education. He explained that the amenities of life, *viz.*, water supply, hospitals, etc., provided at Bangalore from the general revenues was also shared by the unnumbered visitors to that city from different parts of the State and outside without paying for them. He also added that the residents of Bangalore might not, however, stint when the time comes to pay an education cess on the income-tax with a view to giving effect to the Elementary Education Bill.

MR. KATTE DAKAPPA suggested that the additional funds required under the scheme might be found from the income-tax collections as Government had originally promised to ear-mark them for primary education.

MR. K. T. SESHAIYA strongly supported the Bill and said that the spread of education into the rural area would tend to increase the material prosperity of the people. As an illustration of the keen desire in the people for educating their children, he cited the case of certain coolies in his estate who had engaged a private tutor for the purpose and expressed the hope that when the coolies themselves were

prepared to pay for the education of their children the raiyats would not grudge an increase in the education cess if the schools were taken to their doors.

As regards the complaint about the inequality of taxation, he said it was to be found even in Plato's Republic and would exist in every State as an inevitable vice. Inequality, he said, was a necessary ingredient of the State and added that even if facilities were provided in all places, it was not given to every one to profit by them in an equal measure.

He said that the total receipts from income-tax was Rs. 20 lakhs and that if all those who were now assessed to that tax agreed to pay an equivalent sum for purposes of this scheme, calling it an education tax, the amount could be easily found without imposing any fresh burden on the cultivator.

MESSRS. SIDDALINGAPPA SETTY and NANJAPPA said that the Bill was framed in the best interests of the rural population to whom those in the urban areas owed a debt of gratitude on account of their participation in the educational and other facilities to the exclusion of the former. They therefore pleaded that the extra funds required for the scheme should be recovered only by levying an education cess on the officials and lawyers who had all along escaped this levy.

MR. S. KRISHNASWAMI RAO wanted to know if the people would be required to contribute towards the cost of educational buildings also in addition to paying the education cess.

THE THIRD MEMBER OF COUNCIL replied that all educational expenditure under the scheme would be divided in the proportion of 3 : 2.

MR. KRISHNASWAMI RAO suggested that provision should be made for opening more training schools for teachers.

MR. K. VENKATASWAMI GOWDA represented that the raiyats of the Kolar District who had formerly protested against the levy of the education cess on the ground that the land assessment in that area was already heavy, had the cess forced upon them by Government on the plea that all other districts had agreed to pay it. He, therefore, protested against any enhancement of that cess in his district. He had, however, no objection to levy an education cess on the income-tax.

THE THIRD MEMBER OF COUNCIL in replying to the

discussion said that he was glad that every one had agreed to the principles of the Bill. As regards the contribution of Rs. 6 lakhs to be made by the local bodies, he said that it could not be raised by them without resorting to additional taxation whether it be by means of an education cess or otherwise. But so far as the Government's share of the cost, *viz.*, Rs. 9 lakhs went, he said that Government would find the money without imposing any new tax.

Referring to the general desire expressed by the members to reduce the programme of expansion from 10 years to 5 years, he expressed sympathy with it and said that it indicated the anxiety of the people to develop education. But he added that as many as 5,000 to 6,000 teachers would have to be found to man the schools, it might not be easy to do it within 5 years. He, however, pointed out that the 10 years' period fixed in the Bill denoted only the maximum time and that nothing prevented the local bodies from striving for the complete working out of the scheme earlier. He, therefore, thought that the maximum period fixed in the Bill might stand.

In regard to the suggestion of certain members for fixing the local bodies' contributions at one-third of the cost, he said that it was not practicable. He pointed out that the financial implications of the scheme was thrashed out in detail by the Education Board who had decided to limit Government's contribution to three-fifths of the entire cost. He added that certain Municipalities like Bangalore had agreed to pay one-half of the cost as their contribution and as poorer areas like Chitaldrug perhaps might have their share reduced little, but that on the whole, the Government's share would not exceed three-fifths of the cost of the entire scheme. He was afraid that if the members did not see their way to agree to the proportion as fixed in the statement, the Bill could not be enacted into law for the next nine months without bringing it up again at the ensuing session of the Assembly. On these grounds, the Third Member suggested that the proportion fixed in the Bill might remain.

Referring to the observations of Messrs. Dasappa and Malliah to the effect that the contribution of certain Municipalities towards primary education was very low and that in most cases the Municipalities were not at all contributing anything and that the proposed Bill would have the effect of treating them very favourably, the Third Member of Council said that Government were contemplating the introduction of measures to enforce the municipal

bodies to pay their due share of the cost of primary education. He admitted that it was a fact that certain class of merchants, officers, and lawyers in cities were not paying anything towards the education cess and added that Government would bear that point in mind and make suitable provision for it in the Bill when it was presented before the Legislative Council. He further explained that they were all points of detail which might be left for consideration by the Legislative Council. He also assured the Assembly that the proceeds of any tax that might be imposed under this scheme would not be diverted to any other expenditure excepting that on elementary education.

The Bill was put to vote and carried.

At this stage, the Assembly rose for lunch and reassembled at 3-30. P.M.

I. Memorandum on the Irrigation Bill.

THE REVENUE COMMISSIONER explained the general principles of the measure as follows:—

The advisability of legislation in order to clearly define the position of the State in respect of irrigation was recognized as early as 1902. Government observed on the Report of the Committee appointed in that year for consideration of the Taluk Maintenance Scheme in Mysore as hereunder:—

"Appendix B proposed by the Committee may be omitted as the rules therein referred to, cannot be enacted except by proper legislation. But as some such provision as has been recommended is necessary, its result being to give legal effect to what is enforced as custom at present, Government will consider the question of passing a Regulation on the lines of the Madras Act of 1858."

2. Economy in the use and distribution of water, in the case of works on which Government have spent large amounts, has been found absolutely necessary both in the interest of cultivators and of the Government. Owing to the want of control over the distribution of water, more land than could be cultivated with the available water supply, has, in the past, been sown with wet crops, and the raiyats have as a result sustained avoidable loss. There has been also a great wastage in the use of water. Under a better system of the regulation of water supply, larger extents of land could be brought under wet cultivation. The feeder channels of large tanks are usually in a state of disrepair. Under the

existing rules, the rights and liabilities of owners of water courses are not clearly defined and there are no facilities for the rapid construction of water courses also. The channel offence rules issued more than 50 years ago have been found in practice unsuitable, and the existing criminal law does not sufficiently meet all cases. Damage to works on which large sums of money have been spent cannot be suitably dealt with under the ordinary provisions regulating irrigation, and special enactments have been found necessary from time to time. It is therefore desirable to devise effective remedial measures and to frame a comprehensive Irrigation Regulation on the lines of those in British India. A Bill was accordingly prepared in 1913. In its present form, it is the result of the labours of the three committees appointed in 1917, 1922 and 1926 and has been scrutinised from the view points both of the Revenue and the Public Works Departments. Opportunity has also been taken to incorporate in the Bill some of the existing rules regarding the maintenance of irrigation works.

3. Chapter I embodies the necessary preliminary definitions. Clause 4 makes provision for the grant of powers under this Regulation to the officers charged with the duty of applying it and enables the Government to delegate its functions in this respect.

Chapter II relates to the control of water and of irrigation works in general. The powers possessed by the irrigation officers in regard to the control of water supply are specifically declared.

Chapter III treats of water courses. Clause 8 prescribes the procedure to be followed in the construction, extension, improvement or alteration, etc., of water courses, upon application made to an irrigation officer of such purpose.

Chapter IV treats of regulation of irrigation and provides for due remission of assessment in cases of non-supply owing to deficiency of water.

Chapter V relates to the construction or improvement of irrigation works on the initiative of Government.

Chapter VI deals with obtaining compulsory labour and materials on emergencies.

Chapter VII deals with customary labour that may be required to be performed by the occupiers of lands irrigated by an irrigation or a drainage work. It incorporates the Mysore Tank Maintenance Rules of 1873 as revised in 1927. It will be enforced in respect of unrestored tanks, both major and minor.

Chapter VIII deals with penalties and the procedure thereon. Clause 37 is of a punitive character. It provides for the levy of the actual cost of repair from the entire atchkatdars, in such proportion as may be deemed necessary, in those cases in which the persons who committed damage are unidentifiable or unascertainable.

Chapter IX deals with miscellaneous matter. Clause 40 provides for review by Government or the Revenue Commissioner in necessary cases. Clauses 41 and 42 deal with the power to summon and examine witnesses and the service of notices, and Clause 43 with the power of the Government to frame rules.

Statement of Objects and Reasons.

This Bill is intended to make provision for certain matters pertaining to irrigation, such as, the construction of water courses (*hikkals*) ; the regulation of irrigation ; the levy of contribution and water rate in respect of new irrigation works ; the regulation of customary labour ; and punishment for irrigation offences.

2. Provision is made for giving power to irrigation officers to enter upon any land or building for the purpose of inspection, regulation, and maintenance of irrigation works and their protection, in times of danger, etc. (Chapter II.)

3. There is at present considerable complaint as regards the distributary channels leading from the main channel. Provision is made in the Bill for construction of such channels called water courses or *hikkals* after enquiry and for the recovery of the cost from the persons who derive benefit. The obligation of the raiyats to maintain distributary channels is brought within the purview of the Bill as also the power to get it done at Government cost in case of failure on the part of the person bound to do the maintenance work. (Chapter III.)

4. At present, there is no statutory provision for the regulation of irrigation. Matters are at present regulated by *mamool* which is vague. Provision is herein made to systematise the existing practice, and also to enable the Government to regulate the distribution of water in times of deficient supply. (Chapter IV.)

5. There is at present no statutory provision as regards the recovery of water-rate and contribution in respect of major irrigation works. Provision is now made for the

levy of contribution and water-rate in respect of new works, under certain conditions. (Chapter V.)

6. There is at present no provision for impressment of labour and material in cases of emergency when irrigation works are in danger. This has been now provided for. (Chapter VI.)

7. The existing provisions as regards maintenance work to tanks are incorporated in the Bill ; and provision is also made for commuting the liability to contribute customary labour into cash payment on defined principles. (Chapter VII.)

8. Irrigation offences are enumerated in detail, and made triable summarily by Magistrates specially empowered for the purpose. (Chapter VIII.)

The Mysore Irrigation Bill.

Preamble.

Whereas it is expedient to make adequate provision for the proper regulation and control of water, for the levy of contribution, for the regulation of customary labour, for the punishment of Irrigation Offences and such other matters pertaining to irrigation as are not adequately provided for in the existing Regulations and Rules having the force of law ; it is hereby enacted as follows :—

CHAPTER I.

PRELIMINARY.

Short Title.

1. This Regulation may be called the Mysore Irrigation Regulation, 19 .

Extent and commencement.

2. The Government may, by notification in the *Official Gazette*, extend this Regulation or any portion thereof to any local area or to any class of irrigation works, and may also by a like notification subsequently exclude any portion of such local area or any such irrigation work or class of works from the operation of the Regulation, from such date as may be specified therein ;

Provided that all existing Regulations, Rules, Orders or usages having the force of law, in so far as they are

inconsistent with any of the provisions of this Regulation and the rules made thereunder, in the areas and with respect to the classes of irrigation works to which this Regulation is extended, are repealed to the extent to which they are so inconsistent ;

And provided further that nothing herein contained shall be deemed to affect any acts done or liabilities incurred under the said Regulations, Rules, Orders or usages having the force of law.

3. In this Regulation, unless there is anything repugnant in the subject or context :—

Definitions.

(1) " Irrigation work " includes—

'Irrigation work.'

(*a*) all reservoirs, tanks, canals, channels and pipes constructed, maintained or controlled wholly or mainly by the Government for the supply or storage of water for purposes of irrigation ;

(*b*) all works, embankments, structures, supply and escape channels, connected with such reservoirs, tanks, canals, channels or pipes and all roads constructed for the purpose of facilitating the construction or maintenance of such canals, channels, tanks, pipes or reservoirs ;

(*c*) All water courses and drainage works as hereinafter defined ;

(*d*) All lands occupied by the Government for the purposes of such canals, channels, tanks, pipes, reservoirs, and all buildings, machinery, fences, gates and other erections, occupied by or belonging to the Government, upon such lands :

(*2*) "New Irrigation Work" means any work of irrigation defined in Clause (1), constructed or completed after this Regulation comes into force :

'New Irrigation Work.'

(3) " Water Course " (*hikkal*) means any channel or pipe which is supplied with water from an irrigation work, but which is not maintained at the cost of the Government, and all subsidiary works connected with any such channel or pipe except the sluice or outlet through which water is supplied to such channel or pipe :

'Water Course.'

(4) "Drainage work" means channels, either natural or artificial, for the discharge of waste or surplus water, and all works connected with or auxiliary to such channels and escape channels from an irrigation work, dams, weirs, embankments, sluices, groins and all works for the protection of lands from flood or from erosion formed or maintained by the Government either wholly or in part :

'Drainage work'

(5) "Deputy Commissioner" includes any officer appointed by the Government to exercise all or any of the powers of a Deputy Commissioner under this Regulation :

'Deputy Commissioner'

(6) "Irrigation-Officer" means any officer not below the rank of an Assistant Commissioner or an Assistant Engineer appointed by the Government to exercise all or any of the functions of an Irrigation-Officer under this Regulation :

'Irrigation-Officer'

(7) "Owner" includes every person having a joint interest in the ownership of the thing specified.

'Owner'

(8) "Labourer" means any person accustomed to manual labour :

'Labourer'

(9) "Magistrate" means a Magistrate of the first or second class and includes a Magistrate of the third class when he is specially empowered by the Government to try offences under this Regulation.

'Magistrate'

4. The Government or, subject to such rules as may be made under this Regulation, any Officer whom the Government empowers in this behalf, may declare by Notification in the *Official Gazette*, the officers by whom and the local limits within which all or any of the powers of duties hereinafter conferred or imposed, shall be exercised or performed.

CHAPTER II.

Of the Control of Water and of Irrigation Works.

Power to enter upon land for purposes of inspection, etc.

5. Any Irrigation-Officer appointed in this behalf and any person acting under the general or special orders of such Irrigation-Officer may enter upon any land, building or water course, for the purpose of inspecting or regulating the use of water, of measuring the land irrigated thereby, and of doing anything necessary for the proper regulation, maintenance and management of any irrigation or drainage work.

Powers for repairing or preventing damage to an irrigation or drainage work.

6. On any damage happening or being apprehended to any irrigation or drainage work, or in any other emergency, any Irrigation-Officer and any person acting under his general or special orders in this behalf, may at any time enter upon any lands adjacent to or in the neighbourhood of any irrigation or any drainage work, and may repair any existing work, construct any new work, or take and utilise any material and take any measures or do anything that may in his opinion, be necessary to prevent such accident or to save loss or damage to any property or to repair any damage done.

Notice of intended entry on private property to be given in certain cases.

7. When an Irrigation-Officer, or any person acting under his general or special orders in this behalf, proposes under the provisions of Section 5 or Section 6 to enter into any building or enclosed court or garden attached to a dwelling house into which the water does not flow from any irrigation work, he shall previously give to the occupier of such building, court or garden, such reasonable notice as the urgency of the case may allow.

CHAPTER III.

Of Water Courses.

8. (1) Any person desiring the construction, extension, improvement, or alteration of a water course may

apply in writing to the Irrigation-Officer appointed in this behalf, and the said officer shall, after giving such notice and causing such enquiries as may be prescribed by rules framed by the Government for the purpose, either permit the applicant to construct, extend, improve or alter the said water course or have it constructed, extended, improved or altered, through the Public Works Department, on such terms and conditions as regards payment of costs, time and mode of completion, facilities to be afforded by the applicants to safeguard other interests or to benefit other lands whose owners may apply for the same, and other matters as may be decided upon in each case, or may reject the application. Against the order of the Irrigation-Officer in this behalf, an appeal shall lie, within thirty days from the date of the said order, to the Deputy Commissioner whose decision shall be final.

Construction, extension, improvement or alteration of a water course on the application of person interested.

(2) If it is necessary to acquire any land for the purposes of sub-section (1) of this section, the Deputy Commissioner of the District may proceed to acquire the same under the provisions of the Land Acquisition Regulation, 1894.

Explanation:—For the purposes of this sub-section, the construction, extension, improvemeat or alteration of a water course, though executed solely at the expense of a private person, shall be deemed to be a public purpose under Sections 4, 6, 7 and 35 of the Land Acquisition Regulation, 1894.

9. No water course constructed, extended or improved under the provisions of Section 8 may be altered without the consent of the Irrigation-Officer

No alteration of water course except with consent of Irrigation-Officer.

10. Every owner or occupier of land which receives a supply of water from a water course shall be bound:—

Obligation of owners of land receiving supply from water course.

(*a*) to maintain such water course in a fit state of repair; and

(*b*) to allow the use of it to any person entitled to the same by reason of an order passed under Section 8.

11. (1) If any owner or occupier of land which receives a supply of water from a water course, fails to fulfil any obligation imposed on him by Section 10,

Enforcement of said obligations.

any Irrigation-Officer appointed in this behalf may require him by notice to execute the necessary work or repair within such period, not less than five days from the date of service of notice, as may be prescribed therein, and in case of his default, may execute the same on his behalf.

(2) The expenses incurred by the Irrigation-Officer on any work or repair under sub-section (1) of this section shall be recoverable from the defaulter as an arrear of land revenue.

CHAPTER IV.

REGULATION OF IRRIGATION.

Regulation of water supply from irrigation works.

15. The Deputy Commissioner of the District or any other officer specially empowered by the Government in this behalf may regulate in respect of any irrigation work for each year or for a specified term of years at a time, as circumstances may require.

(1) the time for letting out water for irrigation,

(2) the period of the supply, and

(3) the quantity of the supply,

after holding such enquiry as is provided for by rules framed by the Government and such regulation shall be final.

Supply of water from a new irrigation work.

13. Every person desiring the supply of water from a new irrigation work, shall submit a written application to that effect to an Irrigation Officer appointed to receive such applications, in such form as may be prescribed by the Government.

If the supply of water is desired for irrigation, it may be granted for such period on such terms as may be prescribed by rules framed by the Government.

If the application is for the supply of water for purposes other than those of irrigation, the Irrigation Officer may, with the sanction of the Government, permit water to be taken for such purposes subject to such special conditions and restrictions as the Government may impose in each case.

Circumstances in which water supply may be stopped.

14. The supply of water to any water course or to any person who is entitled to such supply shall not be stopped except in the circumstances and subject to the limitations specified below, namely,

(*a*) whenever and so long as it is necessary to stop such supply—

(i) for the purpose of executing any work ordered by competent authority; or

(ii) in order to supply in rotation, the legitimate demand of other persons entitled to water;

(*b*) whenever and so long as any water course by which such supply is received is not maintained in such repair as to prevent the wasteful escape of water therefrom; and

(*c*) within the periods fixed from time to time by an Irrigation-Officer acting under Section 15, of which reasonable notice shall be given.

Power of Irrigation-Officer to determine the irrigable area and grant remission of assessment.

15. An Irrigation-Officer may in any year, having regard to the quantity of water available in any irrigation work under his control, determine the portion out of all or any of the wet lands in the irrigable area of such irrigation work, to be cultivated with irrigated crops and regulate the supply of water accordingly; and if any land assessed as wet is not supplied with water for irrigation, he may remit such portion, not exceeding one-half of the assessment thereon as he thinks fit, subject to such rules regarding remission of assessment as may be made by the Government and are for the time being in force.

An appeal shall lie from the order of the Irrigation-Officer under this section, within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

Right to the supply of water passes with the property entitled to the supply.

16. (1) All rights to the supply of water from an irrigation work, to any land, building or other immovable property shall be presumed to have passed to the transferee with the transfer of such land, building or other immovable property, whenever such a transfer has been effected.

(2) No person entitled to the use of land appertaining to any irrigation work or to use the water of any irrigation work shall sell or sub-let or otherwise transfer his right to such use without the permission of the Irrigation-Officer duly empowered to grant such permission.

CHAPTER V.

OF THE CONSTRUCTION AND MAINTENANCE OF IRRIGATION WORKS ON SPECIAL TERMS.

Preliminary enquiry to be held when the levy of acreage contribution or water-rate or both is necessary for undertaking construction or improvement of an irrigation work.

17. Whenever it appears to the Government that the construction or improvement of an irrigation work in any local area is not likely to be remunerative unless on the lands irrigable by such work, payment of an acreage contribution or water-rate or both, in accordance with rules as may be framed by the Government is guaranteed, the Government may direct the Deputy Commissioner or any other officer appointed by them in this behalf to hold an enquiry in the manner hereinafter provided.

Procedure in holding the enquiry.

18. The Deputy Commissioner or other officer appointed to make the enquiry shall publish a notice in the village or villages concerned specifying the place at which and the date (which shall not be earlier than thirty days after the last date of such publication) on which the enquiry will be held. The notice shall set forth the general scheme of the proposed construction or improvement, an estimate of the capital and recurring expenditure involved, the area which will be benefited by the scheme (hereinafter called the benefited area) and the rates at which it is proposed to levy contribution or water-rate or both in respect of the lands within the benefited area, and shall invite the holders of such lands to submit any objections or suggestions that they may desire to make on or before the date prescribed in the notice and to produce evidence, if any, in support of such objections of suggestions on the date appointed for the holding of the enquiry.

Report of the enquiring officer.

19. If the Deputy Commissioner or other officer appointed to make the enquiry, after considering any objections or suggestions duly submitted and the evidence, if any, produced and taking such further evidence as he thinks necessary, finds that the holders of at least two-thirds of the land within the benefited area give their consent in writing to such construction or improvement and to the payment of the proposed contribution or water-rate or both, he shall embody his proceedings in a report, and submit the

same to the Government together with a statement of objections and suggestions presented to him and any remarks he may desire to make in respect of them.

Government may abandon or proceed with the scheme.

20. Upon receipt of the report submitted under Section 19, the Government may, after such further enquiry, if any, as it may make, either abandon the scheme, or proceed with the scheme in the original form or with such modifications as it may consider necessary; provided that where the modifications involve a substantial increase in the benefited area or in the acreage contribution or water-rate to be imposed, the provisions of Sections 18 and 19 shall apply to the altered scheme.

Publication of the scheme as finally approved by the Government.

21. (1) The scheme as finally approved by the Government shall be published in the *Official Gazette*, and it shall embody the following particulars:—

(*a*) a specification of the work which it is proposed to construct or improve and an estimate of the capital and recurring expenditure involved thereby;

(*b*) the estimated time required for the completion of the work;

(*c*) a description of the benefited area;

(*d*) the rates at which contribution will be recovered in respect of the lands in the benefited area;

(*e*) the rates at which water-rate will be imposed on the lands in the benefited area; and

(*f*) the fact that the consent of the holders of such land has been obtained as provided in this chapter.

(2) The contribution referred to in Clause (*d*) of Sub-Section (1) shall in no case exceed one-half of the difference between the value of the wet and dry lands in the locality.

(3) The water-rate referred to in Clause (*e*) of Sub-Section (1) shall be liable to periodical revision at intervals of not less than ten years.

(4) The publication under Sub-Section (1) of a scheme as approved by the Government shall be conclusive proof that any consent recorded therein has been duly obtained.

Levy of contribution and water-rate on lands within the benefited area.

22. After the scheme has been carried out, the Deputy Commissioner may, subject to such rules as may be prescribed by the Government in this behalf, levy from the holders of land within the benefited area, in addition to the assessment fixed under the provisions of Section 112 of the Mysore Land Revenue Code, 1888, contribution or water-rate or both at the rates referred to in Section 21.

Provided that the Deputy Commissioner may exempt from the whole or any part of this liability any land in the benefited area on the ground that the benefit from the irrigation work does not reach such land.

Provided further that when a water-rate is levied from the holder of any land under this section, no such rate shall be leviable in respect of such land under the provisions of Section 53 of the Mysore Land Revenue Code, 1888.

CHAPTER VI.

Of Obtaining Labour and Materials in Emergencies.

Impressment of labour and materials for urgent works of repair, etc.

23. (*i*) Whenever it appears to an Irrigation-Officer, or in his absence the Amildar of the Taluk, that unless, some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury,

or, that unless some clearance of an irrigation or drainage work which is necessary in order to maintain the established course of irrigation or drainage is immediately executed, serious public loss would occur,

and that the labourers necessary for the proper execution of such work, repair or clearance cannot be obtained in the ordinary manner in time to prevent such injury or loss,

it shall be lawful for such officer to require the Patel or Patels of the village or villages in the vicinity to call upon all or any of the labourers who reside or hold land in or near the locality where such work, repair or clearance has to be executed to assist in the execution of the same by their labour, as such officer or other person authorised by him in this behalf may direct.

(*ii*) Such officer or other person authorised by him in this behalf, may also enter upon or into any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purposes of such work, repair or clearance.

(*iii*) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code.

Payment for materials taken.

24. All persons labouring or detained for the purpose of labouring by day in compliance with a requisition made under Section 23 or whose materials may be taken under that section shall as soon as may be reasonably practicable and in any case within fifteen days from the date of such impressment, be paid by the Irrigation Officer or the Amildar, as the case may be, for their labour and detention or for such materials at 25 per cent in excess of the rates for the time being prevailing in the neighbourhood. If the persons are required to work or are detained at night, they shall be paid at double such rates.

Compensation for damage done in taking materials.

25. Whenever as a result of the removal, under Section 23, of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation-Officer or the Amildar, as the case may be, shall pay to such person a reasonable amount of compensation for such damage, subject to such rules as may be framed in this behalf by the Government.

Appeals against orders under Sections 24 and 25.

26. Against an order under Section 24 or Section 25, an appeal shall lie within thirty days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VII.

Of Customary Labour.

Works for which customary labour is enforceable.

27. The provisions of this Chapter shall apply to the following irrigation and drainage works:—

(*a*) All river and spring channels;
(*b*) All tanks;
(*c*) All feeder channels connected with tanks.

Nature of, and persons liable to perform, customary labour; and the levy of cash contribution in lieu of labour.

28. (*i*) Every occupier of land, irrigated or drained by any irrigation or drainage work, as well as the inhabitants of the village or villages and all others who derive any benefit, directly or indirectly from the work shall perform, in respect of such work, without payment, the following customary labour:—

(*a*) Filling up *gullies*, cracks, ruts and holes;
(*b*) Removing any rank growth or pernicious weed;
(*c*) Clearing such underwood as may be considered by the Irrigation-Officer to be injurious;
(*d*) Clearing sand or silt from sluices and branch channels and repairing the earth work of petty and branch channels and clearing the accumulation in sluices and in all channels issuing from tanks, which obstruct the flow of water to the fields;
(*e*) Maintaining the bund to the standard level and with the slopes specified;
(*f*) Keeping in order the feeder channels of tanks;
(*g*) Watching the bunds of all tanks during rainy weather, turfing the parts acted on by the waves, helping in opening and closing the sluices, and generally performing minor duties of this nature in order to prevent breaches and other accidents.

Explanation.—All land forming part of the registered or recognised *atchkat* of an irrigation work shall be deemed to be land irrigated by such work, within the meaning of this section.

(*ii*) The Government may by an order direct in respect of all or any of the aforesaid works in any locality, that the customary labour to be performed under this section need not be performed either wholly or in part, or that in lieu of such labour a contribution in cash at a flat rate per acre of holding be levied on the persons bound to perform the same. Such order may at any time be cancelled or modified by the Government.

Village Patel responsible for due performance of customary labour.

29. It shall be the duty of the Patel of every village to see that in respect of any irrigation or drainage work situated in the village or villages in his charge the customary labour specified in Section 28 is

duly performed and the work maintained in an efficient condition.

Execution of work with hired labour on failure of customary labour.

30. If during the execution of any work any person who is bound to contribute labour towards such work, neglects or refuses to do so, the Patel or, upon the report of the Patel the Irrigation-Officer, may get the work performed by hired labourers, after giving notice by beat of drum in villages in which the persons bound to do the work ordinarily reside or the land so irrigated or drained is situated, requiring such persons to carry out the work by a specified date and on their failure to comply with the requisition within the appointed time.

Determination of quantum of labour to be contributed.

31. The quantum of labour which each person liable under Section 28 is bound to contribute, and the proportionate share of labour for each village where an irrigation or drainage work serves more than one village, shall be determined in accordance with rules framed by the Government in this behalf.

Penalty for failure to perform customary labour.

32. Whenever any person who is bound to contribute labour under Section 28 neglects or fails to do so without sufficient and reasonable cause, the Irrigation-Officer may levy from such person a sum not exceeding twice the value of the labour which such person is bound to contribute, and such amount shall be recoverable as an arrear of land revenue.

Against the order of the Irrigation-Officer, an appeal shall lie, within thiry days from the date of the order, to the Deputy Commissioner, whose decision shall be final.

CHAPTER VIII.

Penalties and Procedure.

Offences under the Regulation.

33. (*i*) Whoever and without proper authority damages, alters, enlarges and obstructs any irrigation or drainage work;

(*ii*) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation or drainage work or does any act which

renders such irrigation or drainage work less useful than is intended for the purpose for which it was constructed;

(*iii*) opens, shuts or obstructs, or attempts to open, shut or obstruct, any sluice in any irrigation work;

(*iv*) corrupts, or fouls the water of any irrigation work so as to render it less fit for the purpose for which it is ordinarily used;

(*v*) destroys, defaces or moves any land or level mark of water gauge fixed by the authority of a public servant;

(*vi*) destroys, tampers with, or removes any apparatus, or part of any apparatus, for controlling, regulating or measuring the flow of water in any irrigation work;

(*vii*) causes any animal or vehicle to pass on or across any of the works, banks or channels of an irrigation work contrary to rules made under Section 43;

(*viii*) causes or permits any animal to graze or be tethered upon the bank or border of any irrigation or drainage work;

(*ix*) removes or injures any tree, bush, grass or other vegetation intended for the protection of any irrigation or drainage work;

(*x*) puts up a dam across or otherwise obstructs the free course of water, the right to which vests in the Government;

(*xi*) violates any rule made under Section 43, the breach whereof is declared to be an offence punishable under this section; and

(*xii*) whoever, being responsible for the use and maintenance of a water course, neglects to take proper precautions for the prevention of waste of the water thereof, or interferes with the authorised distribution of the water therefrom, or uses such water in an unauthorised manner, or prevents or interferes with the lawful use of such water course by any person authorised to use the same, under Section 8, shall be deemed to commit an offence under this Regulation and shall, on conviction before a Magistrate, be punished for each such offence with fine which may extend to one hundred rupees.

Penalty.

34. Any labourer who, being duly called upon by the Patel of his village to assist by his labour in the execution of any work under Section 23, refuses or neglects to comply with such call without lawful excuse, shall on conviction before a Magistrate be punished with fine which may

extend to one hundred rupees or with simple imprisonment which may extend to one month or with both.

35. All offences under this Regulation are triable summarily in the manner provided in Chapter XXII of the Criminal Procedure Code.

Persons convicted under Section 33 or of the offence of mischief in relation to an irrigation or drainage work liable to repair the damage, etc.

36. When any person is convicted of an offence under Section 33 or of the offence of mischief under the Indian Penal Code in relation to any irrigation or drainage work, the convicting Magistrate may order that the said person shall remove the obstruction or repair the damage or replace or repair the land mark, level mark, water gauge or apparatus in respect of which conviction has taken place within a period to be fixed in such order. If such person neglects or refuses to obey such order within the period so fixed, any Irrigation Officer may carry out the work in accordance with such order and the cost thereof shall be recoverable from such person by the Deputy Commissioner as an arrear of land revenue.

Recovery of cost of repairing damage when the offender is unascertainable.

37. When the person causing any damage, alteration, enlargement or obstruction to any irrigation or drainage work without proper authority cannot, after such enquiry as the Deputy Commissioner may deem sufficient, be ascertained or identified, the Deputy Commissioner may, after giving not less than one month's notice to the occupiers of all lands in his opinion benefited thereby, and after hearing their representations, if any, recover from them, as an arrear of land revenue, the cost of repairing such damage, or of removing such alteration, enlargement or obstruction, in such proportion as he thinks fit.

Punishment under other laws not barred.

38. Nothing herein contained shall prevent any person from being prosecuted under any other law for any act or omission made punishable by this Regulation.

Power to remove obstruction or damage to works.

39. Any person in charge of, or employed upon, any irrigation work, may remove from the lands or buildings belonging thereto any person who within his view:

(i) wilfully damages, obstructs, or fouls any irrigation work, or

(ii) without proper authority interferes with the

supply or flow of water in or from an irrigation work so as to endanger, damage, or render less useful any irrigation work;

and may, if the name and address of such person be unknown or if he refuses to give his name or address or gives a name or address which such officer has reason to believe to be false, arrest him without a warrant and take or forward him to the Patel of the village within the limits of which such damage, obstruction or interference has been caused. The Patel shall thereupon hold such enquiry as he may think necessary and if he finds the allegation to be well founded, file a complaint before the Magistrate having jurisdiction to try the case. If such enquiry is not commenced and completed on the day on which such person is arrested, the Patel shall admit such person to bail, or, if sufficient bail is not tendered, forward him forthwith in custody to the said Magistrate with a report of the circumstances under which such arrest was made.

CHAPTER IX.

MISCELLANEOUS.

Powers to Revenue Commissioner to review.

40. The Government or the Revenue Commissioner may call for and examine the records of the proceedings under this Regulation of a Deputy Commissioner for the purpose of satisfying itself or himself as to the propriety of any decision or order passed by him and the regularity of his proceedings.

If in any case it shall appear that any decision or order or proceedings of a Deputy Commissioner should be modified, annulled or reversed, the Government or the Revenue Commissioner may pass such order thereon as it or he deems fit.

Power to summon and examine witnesses.

41. Any officer empowered under this Regulation to conduct any enquiry may exercise all such powers connected with the summoning and examining of witnesses and the production of documents as are conferred on Civil Courts by the Code of Civil Procedure, and every such enquiry shall be deemed a judicial proceeding.

42. Service of any notice under this Regulation shall be made by delivering or tendering a copy thereof signed by

the officer therein mentioned. Whenever it may be practicable, the service of the notice shall be made on the person named therein. When such person cannot be found, the service may be made on the adult male member of his family, residing with him, and if no such adult male member can be found, the notice may be served by fixing a copy on the outer door of the house in which the person therein named ordinarily dwells or carries on business; and if such person has no ordinary place of residence within the village, service of any notice may be made by sending a copy of such notice by post in a registered cover addressed to such person at his usual place of residence, and if the place of residence is not known by affixing it in the *chavadi* of the village to which the action relates.

Manner of serving notices.

43. No Civil Court shall take cognizance of any suit filed in respect of any matter dealt with under the provisions of Chapter VI or Chapter VII.

Jurisdiction of Civil Courts barred.

44. (i) The Government may, after due publication, make rules not inconsistent with this Regulation to carry out all or any of the provisions of the Regulation.

Power to make rules.

(ii) Without prejudice to the generality of the foregoing power, such rules may regulate the following matters, namely:—

(*a*) the proceedings of any officer who under any provision of this Regulation, is required or empowered to take action in any matter;

(*b*) the cases in which, the officers to whom and the time and conditions subject to which orders and decisions given under any provision of this Regulation and not expressly provided for as regards appeal, shall be appealable;

(*c*) the person by whom, the time, place or manner at or in which, anything for the doing of which provision is made in this Regulation shall be done;

(*d*) the amount of any charge to be made under this Regulation;

(*e*) matters falling under Sections 8 and 12.

(iii) The rules made under this section shall be published in the *Official Gazette* and shall thereupon have effect as if enacted in this Regulation.

THE REVENUE COMMISSIONER also added that the Government had appointed a Committee to investigate the question, that Mr. B. Narasinga Rao was one of the members

of the Committee; and that the Committee had incorporated in the Bill before the House the salient points found in the Rules and Regulations on the subject in other parts of India. In conclusion he said that it was not the object of the Government to throw any additional responsibility or burden on the raiyats, but that the Bill was brought up with a view to rectify certain defects in the working of the existing rules.

MR. VENKATAPPA observed that while under the existing rules the maintenance of the tanks was the duty of the Public Works Department, the measure as now proposed would throw that responsibility on the raiyats. He did not see why this should be done.

THE REVENUE COMMISSIONER explained that even under the existing rules, the raiyats were responsible for the maintenance of the major tanks. It was true that in many cases the raiyats did not realise their responsibilities in this regard and the object of the measure was to make that point clear.

THE SECRETARY TO GOVERNMENT, KRISHNARAJASAGARA WORKS, said that, under the existing rules, earthwork had to be done by the raiyats. At a time when huge irrigation works were under construction at enormous cost, there was a great necessity for some Regulation to prevent the unnecessary waste of water and damage to the irrigation works also. He also said that forcing the raiyats to work in times of emergencies such as unexpected floods, etc., and paying them for their labour was the only extra provision in the Bill before the House and there was nothing new beyond that in it.

MR. S. VENKATESAIYA invited the attention of the Government to Section 28 and pointed out that under that Section, every inhabitant of the village or villages had to perform the work without payment. He thought that it was not right to compel every one to work without payment.

THE SECOND MEMBER OF COUNCIL explained that every one that benefited by an irrigation work should do some customary labour and that there could be no exemption to anybody in that respect and that that section referred only to the residents of the village.

Referring to Section 27 of the Bill wherein the responsibility of the raiyats in regard to certain works including the maintenance of feeder channels had been fixed, MR. MALLAIYA said that it was not right that Government should make the raiyats responsible for the maintenance of feeder channels also. He argued that Government levied

the wet assessment in consideration of the fact that they provided water to the raiyats, and that the responsibility for bringing water to the tank which in turn irrigated the raiyats' lands lay on the Government and the raiyats should be made responsible only for the maintenance of the tanks. If Government, for instance, had to construct nalas or feeder channels from distances of 12 or 20 miles for providing any tank with water, the responsibility to maintain such nalas should not fall on the raiyats at all. He instanced the case of the Maddur Tank to which water was brought by means of a feeder channel from a distance of about 12 miles. He did not think that the raiyats could be called upon to attend to the maintenance of such a long channel. He was of opinion that it was the primary business of Government to fill the tank by any means at their command and as soon as the tank was full, to make it over to the atchkatdars and the maintenance thereafter should fall on the raiyats. For instance, if the tank breached, it could not be said that it was the business of the raiyats to fill it. That duty apparently was Government's. While such was the case, he failed to understand why the maintenance of the feeder channels should be entrusted to the raiyats.

Mr. Mallaiya did not doubt that a Bill in regard to the maintenance, etc., of irrigation works was necessary. Even when the consideration of the measure came up the previous year, it was thrown out on account of a few provisions to which the members were opposed. He admitted that there was no proper control over the tanks and by reason of the fact that the raiyats did not exactly know what the rules were in regard to their portion of work, there was a necessity to codify the existing rules and specify the arrangements for the management of the tanks. Moreover, the responsibilities of the Revenue and the Public Works Departments to interfere with the sluices were not properly fixed. For all these reasons, he thought that the measure was necessary. But his only main point was that the raiyats should not be held responsible for the maintenance of feeder channels.

THE SECOND MEMBER OF COUNCIL explained that what was meant by the maintenance was only the annual repairs and that the provision was not a new one, as even under the existing rules, the duty lay on the raiyats themselves. The raiyats generally did not realise their liability in that regard.

MR. MALLAIYA said that the practice was however not that way. The atchkatdars did nothing hitherto for the maintenance, etc. He argued that wet assessment was levied by the Government in consideration of all facts including the responsibility of the raiyats in regard to the maintenance.

THE SECOND MEMBER OF COUNCIL said that it was not so and that the levy of wet assessment was quite independent of it.

MR. MALLAIYA observed that, unless the Government provided water, they were not entitled to levy the wet assessment at all. In these circumstances, he did not agree that the maintenance of feeder channels was the duty of the raiyats.

THE SECOND MEMBER OF COUNCIL explained that under the existing rules the earthwork should be done by the raiyats and that the stonework and masonry was to be provided by the Government. Even for the channels, the earthwork had to be done by the raiyats themselves.

With reference to the case of the Maddur Tank brought up by Mr. Mallaiya, the Second Member of Council said that the raiyats were liable to maintain the tank although the liability had not been strictly enforced.

MR. S. C. MALLAIYA while agreeing to this position, observed all the same that it was not right to make the raiyats responsible for annual repairs of the feeder channels of nearly 10 to 12 miles. He thought that the raiyats were responsible only for the maintenance of channels leading from the tank and passing through their fields.

THE SECOND MEMBER OF COUNCIL disagreed with the above view and said that the raiyats were responsible not only for the feeder channels but also for the maintenance of the channels leading from the tank. That was in accordance with the existing rule. He observed that if the rule had not been properly enforced, that did not mean that the raiyats should not be made responsible. Unless the feeder channels were kept in an efficient condition, there would be no water in the tank and consequently there would be no crops to the raiyats.

MR. MALLAIYA then enquired whether it was not the duty of the Government to see that the tank received and retained water.

THE SECOND MEMBER OF COUNCIL said that the only condition was that, at the time of making over a particular tank to the raiyats, it should be in a good condition, and

that when once it was given over to the raiyats, they were responsible for its annual repairs.

MR. MALLAIYA said that at the beginning it might be that the *atchkat* in the tank was only 1,000 acres when the tank was handed over to the raiyats. If subsequently the *atchkat* was increased with the result that the same quantity of water had to irrigate a larger extent of land, he failed, to understand why the raiyats should be made responsible for the annual repairs.

THE SECOND MEMBER OF COUNCIL replied that, where ordinarily the tank filled with only rain water, there was no difficulty, but, when the tank had to be filled by means of a feeder channel, it was the business of the raiyats to attend to the annual repairs of the feeder channels also.

MR. PUTTASWAMI observed that in the case of the electric current supplied by the Electric Department to the consumers the charge was levied only on the actual consumption of power and the consumers were not required to pay for laying the line at all. On the same analogy, he thought that the raiyats should be charged for the supply of water and not for seeing that the repairs were effected to the feeder channel.

THE SECOND MEMBER OF COUNCIL thought that the analogy did not hold good. Wherever the raiyats paid acreage cess, that argument was all right, but in other cases the duty of the Government was to give the raiyats the tank with sufficient water and thereafter the responsibility to see that the supply was not interfered with on account of any want of repairs lay on the raiyats themselves. He observed also that the provision made in the measure before the House was in accordance with the existing rules on the subject and that there was nothing new in it.

MR. S. C. MALLAIYA said that he would agree to the payment of acreage cess rather than put the responsibility for the annual repairs on the raiyats.

THE SECOND MEMBER OF COUNCIL said that if that was the general opinion of the raiyats, the Government could consider the matter. But where such acreage cess had been commuted, then the aspect of the question changed.

MR. MALLAIYA enquired whether it was provided that if an acreage cess was paid, the responsibility would be removed from the raiyats for the maintenance of the channels.

THE SECOND MEMBER OF COUNCIL drew the attention of the member to Clause (ii) of Section 28.

Referring to Section 32, MR. MALLAIYA said that the penalty therein referred to was exorbitant and would work as a great hardship on the raiyats.

THE SECOND MEMBER OF COUNCIL said that they were all matters of detail and might be left for consideration in the Select Committee.

MR MALLAIYA then referred to Section 26 and said that the final authority therein referred to should be the Government instead of the Deputy Commissioner.

THE DEWAN said that the suggestion would be considered by the Select Committee.

MR. B. LINGE GOWDA said that though the measure was one intended to economise the use of water and to be beneficial to the raiyats, there were many clauses in it which appeared to him to be defective and prejudicial to the interests of the raiyats. For instance, he referred to Clause 6 of the measure wherein it was provided that an Irrigation Officer could enter on any private land without permission and utilise any materials for any emergent work without the payment of adequate compensation.

MR. B. NARASINGA RAO drew the attention of the member to Section 24 of the measure which provided for the payment for materials utilised.

MR. B. LINGE GOWDA thought that that section did not refer to Section 6.

THE SECOND MEMBER OF COUNCIL said that these were matters of detail. He however assured the member that when the Government made use of labour or materials, they would certainly pay for them.

MR. LINGE GOWDA then referred to Section 8 and said that it was provided therein that the Irrigation Officer could refuse any application for *kikkal* channels. This, he said, was prejudicial to the raiyats.

Referring to the provision for appeal against the order of the Irrigation Officer made in the measure, Mr. Linge Gowda enquired from what date the period of 30 days counted.

THE SECOND MEMBER OF COUNCIL said that the period counted from the date of the order.

MR. LINGE GOWDA thought that the time was quite insufficient.

THE SECOND MEMBER OF COUNCIL replied that that was a matter for the Select Committee and if they considered that the period was not sufficient, they could enhance it.

Referring to Clause 11 wherein it was provided that

certain obligations could be enforced, MR. B. LINGE GOWDA said that if there was only one raiyat, that could be easily done. But he failed to understand; when there were 4 or 5 raiyats out of whom two or three agreed to undertake the obligation, from whom the cost would be levied.

MR. S. VENKATESAIYA also thought that the liability had not been apportioned in Section 10.

THE SECOND MEMBER OF COUNCIL replied that notices would be served on those who neglected their duty and if in spite of the notices they continued to neglect, the work would be got done on their behalf and the cost recovered from them and that necessary provision would be made for it in the measure.

With reference to Section 21 (iii) wherein provision had been made for periodical revision of water rate once in 10 years, MR. LINGE GOWDA said that ordinarily if a new irrigation work was undertaken, it would take about 20 years to complete it and bring it to a working order. If assessment was levied and revised every ten years, he thought it would be a great hardship to the raiyats for the reason that for no benefit in return, assessment would have to be paid. He therefore thought that periodical revision should be made once in 30 years.

THE SECOND MEMBER OF COUNCIL said that the request could not be granted as irrigation projects costing crores of rupees had been taken in hand.

MR. LINGE GOWDA thought that the periodical revision may be fixed at intervals of at least 20 years.

THE REVENUE COMMISSIONER said that the period mentioned in Clause 21 (iii) was only the minimum.

MR. LINGE GOWDA then referred to Section 33 and said that the penalties imposed therein were very drastic. He thought that most of them should be modified and Sub-Sections (vii) and (viii) should be altogether omitted.

THE SECOND MEMBER OF COUNCIL replied that the Select Committee would look into these things. Referring to the punishments prescribed therein, he drew the attention of the member to the punishments prescribed in the Penal Code for various offences. He said that because a particular maximum punishment was prescribed, it did not mean that it would necessarily be awarded.

MR. VENKATESAIYA said that it might be useful to say "wantonly" or "persistently" instead of the word "voluntarily" in the first line of the section.

MR. LINGE GOWDA said that the section proposed to give large powers to the Irrigation Officers which they might use in any way they pleased. For instance, if an Assistant Engineer had some grudge against a particular raiyat, he might straightaway put up a case against him under this section and put him before the Magistrate. The section was also very wide and even if a raiyat led a cow or took his cattle on the borders of the tank, or a channel, he could be dealt with.

THE SECOND MEMBER OF COUNCIL observed that action would be taken only if by the raiyat leading his cattle any damage was caused to the works. In the best interests of the works, it was necessary to safeguard everything that was calculated to damage the works.

MR. LINGE GOWDA referred to Sub-Clause 8 of Clause 33 which penalised even grazing any animal upon the bank or border of any irrigation or drainge work. He said that the expression "irrigation work" was defined in the Bill so as to include even a road. If a cow was grazed there on the border road, the man was liable to a fine of Rs. 100 or even simple imprisonment for one month. He did not think it was just.

THE LAW SECRETARY TO GOVERNMENT said that there was no provision for simple imprisonment under the clause.

THE SECOND MEMBER OF COUNCIL said that it was necessary to impose a penalty and it would not certainly be imposed by the Magistrate without any discretion.

MR. LINGE GOWDA however thought that Clauses 7 and 8 should be deleted.

THE SECOND MEMBER OF COUNCIL replied that this question would be considered in the Select Committee.

MR. LINGE GOWDA thought that the penalty imposed under Section 34 on any labourer for failing to comply with the request of the Patel and put forth labour, was very drastic.

THE SECOND MEMBER OF COUNCIL replied that if a man was not prepared to work when the tank was in imminent danger, there must be provision to deal with him. He however thought that these were all minor matters; that the Government were not absolutely committed to the provisions inserted in the Bill and that they would be threshed out fully in the Select Committee.

THE LAW SECRETARY TO GOVERNMENT thought that unless there was such a provision, it would not be possible to muster people in times of emergency.

Referring to Section 39 providing for the arrest of any person who in the view of certain persons had committed any obstruction, etc., MR. LINGE GOWDA thought that that was also a drastic measure, for even if a menial servant of the officer was of opinion that there was obstruction, the man might be arrested.

THE SECOND MEMBER OF COUNCIL said that if a man was found to be tampering with a sluice, it was necessary that he should be dealt with.

MR. S. VENKATESAIYA said that the arrest was provided for only when he refused to give his name and address.

THE SECOND MEMBER OF COUNCIL said that every policeman had such a power at present. He however was of opinion that these minor points could be easily considered in the Select Committee.

MR. LINGE GOWDA also added that the provision made in Section 42, *viz.*, that the notices might be pasted on the door of the house if the person on whom it was served could not be found, would not be right.

KHAN BAHADUR MAHOMED ABBAS KHAN generally agreed with the provisions of the Bill. With reference to Clause 21 (2) wherein the contribution payable had been fixed at an amount not exceeding one-half of the difference between the value of the wet and dry lands in the locality, he said that it would be more convenient if a maximum was prescribed. He thought that if that was done, the raiyats would have better confidence.

THE SECOND MEMBER OF COUNCIL said that it was difficult to fix the maximum as various considerations had to be weighed, *viz.*, the certainty of water supply, the possibility of raising two or three crops, etc.

MR. ABBAS KHAN proposed in the alternative that it might be fixed so as not to exceed *tari* kandayam.

With reference to Sub-Clause (2) of Section 16, Mr. Mahomed Abbas Khan said that it would be difficult for a raiyat to take the permission of the Irrigation Officer before he could give his land for cultivation to anybody else. He thought that that clause might be amended suitably.

THE REVENUE COMMISSIONER said that the provision referred only to the use of water. The object was not to permit him to sell the water to anybody else. As much water as was necessary for his own use would certainly be supplied to him.

THE SECOND MEMBER OF COUNCIL in further explaining the matter said that supposing there were two lands

adjacent to each other and the owner of the first was entitled to water. In the absence of a provision to regulate the supply, it was necessary to see that the owner of the other land could not get water under a contract with the owner of the first land without the permission of the Irrigation Officer.

KHAN BAHADUR MAHOMED ABBAS KHAN requested that that point might be made clear.

Referring to Section 31, Khan Bahadur Mahomed Abbas Khan said that the quantum of labour to be supplied during a year might be specified. He added that there was no objection to provide for this in the rules, but the maximum number of days should be prescribed.

THE SECOND MEMBER OF COUNCIL said that the question might be considered in the Select Committee.

Referring to Section 32 which dealt with the penalty for failure to perform the customary labour, KHAN BAHADUR MAHOMED ABBAS KHAN said that the actual value of the labour might be levied from the defaulting person instead of twice the value as proposed therein.

THE REVENUE COMMISSIONER said that unless there was some fear that when a person refuses to afford labour he would be punished, nobody would come up for work.

Referring to Section 37, KHAN BAHADUR MAHOMED ABBAS KHAN failed to understand why for the failure of one person to give his name and address the amount should be recovered from the residents of the whole village.

THE SECOND MEMBER OF COUNCIL said that if a person opened a sluice and if half a dozen people benefited by it, they must pay for the wastage of water and there was no escaping from it.

MR. BELUR SRINIVASA IYENGAR said that although the object of the Bill was good, he could not agree to many of the principles embodied therein. His first objection was against the shifting of the entire responsibility for annual repairs, including the responsibility of the Government, on the raiyats. Secondly, he said that the customary labour had been referred to in Chapter 7 while it was not defined anywhere in the Bill.

THE SECOND MEMBER OF COUNCIL said that it had been defined in Section 28.

MR. BELUR SRINIVASA IYENGAR argued that it was not right to impose this liability for customary labour on account of the seven items referred to in that section, on the raiyats.

THE SECOND MEMBER OF COUNCIL replied that even under the existing rules, that responsibility rested on the raiyats.

MR. BELUR SRINIVASA IYENGAR argued that when the raiyats paid *tari* assessment and also irrigation cess, it was not right that Government should throw any more burden on account of the restoration or repair or maintenance of tanks on the raiyats and that it was also not right on the part of the Government to bring in a Regulation to enforce the existing rules which they had no power to enforce otherwise at present. He also observed that the Bill had gone a step further than the existing rules by insisting that every resident, including a school master, although he was not actually a raiyat, should put forth the customary labour.

THE SECOND MEMBER OF COUNCIL observed that that was the existing rule.

MR. BELUR SRINIVASA IYENGAR replied that if so, it was a very bad rule.

Referring to Section 35 wherein it had been provided that all offences under the Regulation were triable summarily in the manner provided in the Criminal Procedure Code, he said that it was a very drastic measure as it did not provide even for an appeal. He thought that Section 430 of the Indian Penal Code included all such offences and there was no necessity for any other provision for the same offence under the Irrigation Bill. Again Section 38 provided that a person punishable under the proposed Regulation could also be punished under any other law for the time being in force. This, he said, was tantamount to subjecting a man to two punishments for the same offence. That was, he said, against the general principles of the Criminal Law.

With reference to the argument relating to Section 430 of the Indian Penal Code, THE LAW SECRETARY pointed that the punishment for offences under that section was very heavy, *viz.*, 5 years, and that in the new Bill, it had been reduced to a fine of Rs. 100.

MR. BELUR SRINIVASA IYENGAR was of the opinion that the offences already provided for in Section 430 of the Indian Penal Code should not be again included in the Irrigation Bill.

Referring to the provision about the customary labour, Mr. Belur Srinivasa Iengar said that its enforcement was bad enough, but the reservation of power to Government for exempting a person from it was worse.

With reference to Sub-Clause 1 of Clause 21 Mr. Belur Srinivasa Iyengar said that the publication in the Gazette took it for granted that the interested people had given their consent to the scheme. As a matter of fact, he contended that all the people would not have given such a consent and it would be wrong to enforce all the penalties on this consideration.

THE SECOND MEMBER OF COUNCIL replied that if in a village there were 100 people interested and 99 agreed to the project and the remaining one did not, it was necessary either to sit quiet with folded hands or implement the consent of the remaing one man.

MR. BELUR SRINIVASA IYENGAR agreed that the principle was right but the means employed to carry it out, he said, was wrong. Continuing he said that the Government had called out the very best portions of the Madras Irrigation Act of 1858 quite forgetting the conditions prevalent in that year and attempted to apply those provisions in the year of grace 1929 with the aid of Regulations of 1902 and others. He wanted to point out that while the object of the Government was very good, the enforcement of the conditions on the raiyats for the improvement and repairs of tanks should not cause any hardship to the raiyats. Instead of entrusting the work of supervision of tanks to the Patels, he thought that a separate Tank Irrigation Department might be organised for the purpose. He thought that Government did not think of such a thing on account of the cost involved and that they had a short-cut by means of the Bill under consideration. The result of such a procedure in his opinion was that the Patels would be entrusted with far greater powers of interference with the raiyats, than they had in the past.

MR. C. NARASIMHAIYA said that the proposed Bill went further than the existing rules. Referring to Sections 14, 15 and 16, he said that at present the *atchakat* was increasing with the result that some people could get water and the others not, for cultivation. He enquired whether if a man cultivating lower down wanted water, Government would refuse him or give him water.

THE SECOND MEMBER OF COUNCIL said that the water would be distributed.

MR. C. NARASIMHAIYA observed that such a procedure would be against the existing practice. He impressed upon the Government that they would not be correct in asking the people to give up certain rights which they had already

acquired. If a man cultivated some lands in the tail end of the *atchkat*, he must take his chance of getting water. For his sake, the one who had lands under the tank for more than 50 or 100 years should not be deprived of his legitimate right of getting water.

MR. ANEKAL SRINIVASA IYENGAR also agreed with this view.

THE SECOND MEMBER OF COUNCIL observed that if the system of supply of water by rotation was followed, there was at least the certainty of certain lands getting the required quantity of water. Otherwise nobody under the *atchkat* would get sufficient quantity of water and all crops would fail.

MR. ANEKAL SRINIVASA IYENGAR said that the raiyats were prepared to take their chance under the existing rules.

MR. NARASIMHAIYA continuing pointed out that very large powers had been given to the Irrigation Officer. He was of opinion that the Deputy Commissioner, instead of the Irrigation Officer, should be entrusted with such powers. He was also of opinion that appeals against the decisions of the Irrigation Officers should be preferred before the Revenue Commissioner.

MR. D. S. MALLAPPA said that although there were many good principles embodied in the Bill, there were, all the same, very many provisions which would inconvenience the raiyats, *e.g.*, punishing the people when they failed to do any work they were called upon to do ; power reserved to Government for revising the water rates at intervals of 10 years, and punishing the raiyats for not doing customary labour.

THE SECOND MEMBER OF COUNCIL said that even under the existing rules, people were required to put forth labour.

MR. D. S. MALLAPPA said that in that case it was sufficient if the existing rules on the subject were enforced. He did not see why hardship should be caused to the people by means of a legislative measure. He thought that the Bill gave very wide powers to the people of the Engineering and the Revenue Departments to harass the poor raiyats.

For these reasons he opposed the Bill.

Referring to the method suggested for fixing the contribution in respect of any special scheme referred to in Section 21, MR. H. C. DASAPPA said that there should be a specified proportion between the contribution payable and the cost of the scheme. He thought that there was just a

chance of the total contribution exceeding the total cost of the scheme. He was however agreeable to the principles of the Bill. He suggested that instead of one-half, one-third of the difference between the value of the wet and dry lands in the locality might be levied as contribution.

THE SECOND MEMBER OF COUNCIL observed that these details could be considered in the Select Committee.

A large number of members of the Assembly said that the Bill should be withdrawn.

MR. VEMA REDDY represented that as the Bill applied to the State as a whole and as it affected the raiyat population very badly, it might be modified in the directions mentioned by the several speakers in the House and brought up again later on.

MR. S. VENKATESAIYA said that the Government must first remove conscription and forced labour contemplated in the Bill and that the people could not be a party to it in the 20th century.

MR. S. N. M. RAZVI said that the Bill might be placed before the newly constituted Assembly in June next.

THE REVENUE COMMISSIONER on behalf of Government explained that no new penalties were imposed in the measure. He said that certain powers were necessary for Government to control and maintain the huge irrigation works constructed at enormous cost, or else Government could not get any return for their capital expenditure.

Regarding the supply of water by rotation, he said that the system was in force in Madras ; that by that system at least some of the atchkatdars would be able to raise crops which would not be possible otherwise; and that the object of Government in trying to introduce the measure was to benefit the raiyats and not to place unncessary restrictions on them.

The Revenue Commissioner also said that he could not subscribe to the statement made by Mr. Srinivasa Iyengar that the Government had taken out portions from the Madras Irrigation Bill of 1858 and incorporated them in the measure before the House. As a matter of fact, he said that the Government did not at all refer to that Act in the preparation of the Bill. He added that the Bill would bring very many advantages to the raiyats and the Assembly would be running great risks if they were to reject it.

The Revenue Commissioner explained that the existing rules provided for all that was incorporated in the Bill,

but the difficulty was to enforce them without prejudicing the interests of the raiyats. He also stated that there were at present before him cases regarding 700 tanks and if he were to take action sanctioned by the rules against the raiyats concerned, there would be a hue and cry against Government. The object of the Bill therefore was to properly bring all these rules together and put them in the shape of a legislative measure defining the several responsibilities of the Government and the raiyats in various matters.

With reference to the question of contribution raised by Mr. Dasappa, he said that if the Government were ordinarily assured of an income of 5 per cent, for the capital cost involved, they would not go to the raiyats for contribution. It was only in cases where this return was not expected that contributions would be called for. After all, the irrigation projects were for the good of the people and they generally came forward to pay the contribution without any difficulty knowing fully well that the projects were for their benefit.

Continuing, the Revenue Commissioner said that the Bill was calculated to bring all the existing tanks under efficient management.

With reference to the contention of Mr. B. Srinivasa Iyengar that the offences referred to in this Bill came already under Section 430 of the Indian Penal Code, the Revenue Commissioner said that if the cases had to be dealt with under that section, probably they would have to go up to the Sessions Court and he felt sure that nobody would agree to such a course.

In conclusion, he said that the Assembly would give their best consideration to the measure.

THE DEWAN observed that the Assembly was called upon to examine only the general principles of the proposed measure and that if there were any hardships to the raiyats, the representatives of this House in the Legislative Council could examine them and do what was necessary. The main object of the measure was to improve the tanks and put them in an efficient condition. The Bill had been examined in detail by Messrs. Narasinga Rao, N. S. Nanjundiah and several other non-official gentlemen. If the House would accept the general principles, the details would be examined in the Select Committee.

MR. DASAPPA said that some members of the Representative Assembly should also be co-opted in the Select Committee.

MR. SIDDALINGAPPA CHETTY said that such members should be selected *districtwar*.

MR. SUBBANNA NAIK said that the Malnad members should also be represented on the Committee.

THE DEWAN said that there would be no objection to co-opting members who held the strongest views on the subject. The House should have confidence in the discretion of the Legislative Council.

The memorandum was thereupon put to vote and lost, 62 voting for and the majority voting against.

At this stage, the Assembly adjourned for the day to meet again at 8 A.M. on Monday, the 21st October 1929.